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June 5, 2008

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FAX

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James F. Bogan III

FROM

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COMMENTS

As authorized by Chambers this morning, I am faxing a copy of my May 22, 2008 letter to the court.

In accordance with the Court's Individual Practices, we contacted the Court on May 22 for permission to fax this letter, which exceeds 5 pages (in addition to the 5-page letter, there is also a 7-page proposed order). The Court directed us to mail the letter. Accordingly, we sent the letter by regular mail, copying opposing counsel by regular mail. Yesterday (June 4), opposing counsel contacted us and stated that they had not received our May 22 letter. We immediately forwarded an electronic copy (.pdf) of the letter to opposing counsel. This morning, we informed the Court that opposing counsel had not received the service copy of the letter and sought to determine if the Court received the original of the letter. We will call back later this morning to confirm whether the Court previously had received the May 22 letter.

Thank you for your attention to this matter. We apologize for any inconvenience. Regards, Jay Bogan

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